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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,882	02/07/2001	Hidehiro Matsumoto	074273/0180	4208

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FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/777,882	Applicant(s) MATSUMOTO, HIDEHIRO	
	Examiner Victor Lesniewski	Art Unit 2155	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,4-13, and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-13, and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed 9/14/2004 has been placed of record in the file.
2. Claims 2, 4, 5, 8-12, and 15 have been amended.
3. Claims 1, 3, and 14 have been canceled.
4. Claims 2, 4-13, and 15-20 are now pending.
5. The applicant's arguments with respect to claims 2, 4-13, and 15-20 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

### ***Claim Rejections - 35 USC § 102***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 2, 4-13, and 15-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by LaMaire et al. (U.S. Patent Number 6,343,350), hereinafter referred to as LaMaire.
8. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a method are rejected under the same rationale applied to the described claim.
9. LaMaire has disclosed:
  - <Claim 2>  
  
A client apparatus comprising: a cache memory which accumulates information externally provided (column 3, lines 53-57); an accumulation judgment portion which judges whether or not the information to be externally provided is accumulated in said cache memory (column 6, lines 9-10); a request portion which requests acquirement of

information when said accumulation judgment portion judges that the information to be externally provided is not accumulated in said cache memory (column 4, lines 46-67); an information processor which processes either one of the information accumulated in said cache memory and the information externally provided in response to the request from said request portion (column 4, lines 18-20); a storage judgment portion which judges whether or not the information externally provided can be stored in said cache memory (column 6, lines 6-12); an information reduction portion which reduces an amount of the information accumulated in said cache memory based on attribute information composed of preference information of a user and profile information indicative of a process ability of said client apparatus when said storage judgment portion judges that the information externally provided can not be stored in said cache memory (column 6, lines 19-27); and a control portion which controls said cache memory such that the information externally provided in response to the request from said request portion is stored after the amount of the information is reduced by said information reduction portion (column 6, lines 25-27).

- <Claims 4 and 15>

An information providing system comprising: an information source server which provides information in response to a request (column 3, lines 47-52); a client apparatus (column 3, lines 47-52); and a data communication network which connects said client apparatus to said information source server (column 3, lines 47-52), wherein said client apparatus includes: a cache memory which accumulates the information provided by said information source server (column 3, lines 53-57); an accumulation judgment portion which judges whether or not the information to be provided by said information source

server is accumulated in said cache memory (column 6, lines 9-10); a request portion which requests acquirement of the information to said information source server through said data communication network when said accumulation judgment portion judges that the information to be provided by said information source server is not accumulated (column 4, lines 46-67); and an information processor processes either one of the information accumulated in said cache memory and the information provided by said information source server in response to the request from said request portion (column 4, lines 18-20); a storage judgment portion which judges whether or not the information provided by said information source server can be stored in said cache memory (column 6, lines 6-12); an information reduction portion which reduces the amount of the information accumulated in said cache memory based on attribute information composed of preference information of a user and profile information indicative of a process ability of said client apparatus when said storage judgment portion judges that the information provided by said information source server can not be stored in said cache memory (column 6, lines 19-27); and a control portion which controls said cache memory such that the information provided by said information source server in response to the request from said request portion is stored after the amount of the information is reduced by said information reduction portion (column 6, lines 25-27).

- <Claims 5 and 16>

The information providing system according claim 4, wherein said data communication network comprises: a gateway apparatus which is connected to said client apparatus through a first data communication network and connected to said information source

server through a second data communication network (column 3, lines 47-52), wherein said gateway apparatus comprises: a second request portion which requests acquirement of the information to said information source server through said second data communication network with said attribute information and communication attribute information indicative of communication abilities of said first data communication network and said second data communication network when the request of said request portion of said client apparatus is received through said first data communication network (column 4, line 51 through column 5, line 2 and column 5, lines 16-20); a second cache memory which accumulates the information provided by said information source server in response to the request from said second request portion (column 5, lines 23-28); and a transfer portion which transfers the information accumulated in said second cache memory to said client apparatus through said first data communication network based on said attribute information and said communication attribute information (column 5, lines 23-28).

- <Claims 6 and 17>

The information providing system according to claim 5, wherein said information source server provides the information to said gateway apparatus based on said attribute information and said communication attribute information in response to the request from said second request portion (column 5, lines 20-23).

- <Claims 7 and 18>

The information providing system according to claim 6, wherein said gateway apparatus provides the information to said client apparatus based on said attribute information and

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said communication attribute information in response to the request from said request portion (column 5, lines 23-28).

- <Claim 8>

The information providing system according to claim 7, wherein said client apparatus further comprises an attribute information change portion in which at least one of said attribute information and said communication attribute information is dynamically changed (column 4, line 64 through column 5, line 2).

- <Claims 9 and 19>

The information providing system according to claim 8, wherein said information reduction portion removes the information having a low priority from said cache memory, wherein the priority is determined based on said attribute information (column 6, lines 19-27).

- <Claims 10 and 20>

The information providing system according to claim 9, wherein said information reduction portion compresses the information stored in said cache memory based on said attribute information (column 7, line 66 through column 8, line 6).

- <Claim 11>

The information providing system according to claim 10, wherein the information provided by said information source server includes menu data for selecting an item and is linked to other information corresponding to other menu data, the other information being provided by said information source server based on the selected item (column 3, lines 40-46), and said control portion controls said cache memory such that a remaining

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capacity of said cache memory is increased by changing the link generated between the menu data and the other menu data, every time one of the menu data and the other menu data is stored in said cache memory (column 4, lines 3-6).

- <Claim 12>

The information providing system according to claim 11, wherein said attribute information used said client apparatus is prepared for each predetermined usage tendency (column 6, lines 55-67).

- <Claim 13>

The information providing system according to claim 12, wherein said attribute information used in said client apparatus can be changed into other attribute information having another predetermined usage tendency (column 6, lines 55-56).

Since all the limitations of the invention as set forth in claims 2, 4-13, and 15-20 were disclosed by LaMaire, claims 2, 4-13, and 15-20 are rejected.

### ***Response to Arguments***

10. In the remarks, the applicant has argued:

- <Argument 1>

LaMaire does not disclose attribute information that is composed of preference information of a user and profile information indicative of a process ability of the client apparatus.



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- <Argument 2>

LaMaire does not disclose a dynamic change to one of the attribute information and the communication attribute information as recited in claim 8.

- <Argument 3>

LaMaire does not disclose the menu data, the other information, or the linking as recited in claim 11.

11. In response to argument 1, LaMaire does disclose the use of both preference information of a user and profile information indicative of a process ability of the client apparatus. For clarification, the applicant is directed to column 6, lines 28-67. Here, LaMaire discusses known methods for finding objects in a cache to replace. He states the use of frequency based replacements using boundary criteria wherein reference counts for objects in the cache are maintained in different ways. This technique utilizes analysis of the client system and can clearly be correlated to “profile information indicative of a process ability of the client apparatus.” Making a choice based on a least-recently-used object takes into consideration “preference information of a user” as objects are discarded that the user has not accessed for some time.

12. Furthermore, LaMaire goes on to state that any methods used to find a cached object that will be replaced can easily be used with his system. See column 6, lines 55-56 and 64-67. Thus, it is clear that LaMaire’s system includes functionality to utilize attribute information made up of preference information and profile information.

13. In response to argument 2, LaMaire does disclose a dynamic attribute information change. The previous line citations refer to an HTTP GET request and to the associated

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parameters that are used in order to access the network object. As data is added, removed, updated, etc. in the cache, these values change and are updated in the cache directory by the cache manager to ensure efficient user access. Furthermore, support for the applicant's argument is unclear as no explanation has been provided for how claim 8 is distinguished from LaMaire.

14. In response to argument 3, LaMaire does disclose the menu data, the other information, and the linking. The previous line citations refer to a network object as it is retrieved from a web server and stored at caches as well as the ability of the cache directory to maintain access information for network objects. The applicant's menu data and other information are used "for selecting an item" and correlate to a URL or other address information for accessing a network object. The cache manager updates the "links" in the cache directory and is enabled to store, access, and remove network objects in the cache memory. LaMaire goes on to describe the cache directory structure and the updating or changing of linking data more specifically in column 5, line 54 through column 6, line 5. Each cache directory entry contains fields that maintain pointers to other cache directory entries. Furthermore, support for the applicant's argument is unclear as no explanation has been provided for how claim 11 is distinguished from LaMaire.

### *Conclusion*

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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